

REMARKS

The Examiner is respectfully requested to enter this amendment. The amendment will not require any further search and is directly responsive to the present rejections.

I. Status of the Claims

Claims 3-12, 16-22, 30-42, 45-53, 57, 59-64, 66, and 68-70 were previously cancelled. Claims 54-56, 58, 65 and 67 have been withdrawn by the from consideration. Claims 1, 2, 13-15, 23-29, 43, 44, 54-56, 58, 65 and 67 are pending and are at issue.

II. Claim Objections

Claims 27 and 28 have been objected to because of the term “a some divided portions.” These claims have been amended to overcome this objection.

III. Rejection under 35 U.S.C. § 112, second paragraph

Claims 1, 2, and 43 are rejected under 35 U.S.C. § 112, second paragraph, as indefinite. The Examiner’s finds that the use of the term “the” in several instances lacks antecedent basis.

These claims have been amended to overcome this rejection

IV. Rejections under 35 U.S.C. § 102(b)

1. Claims 1 and 2 over JP 10-298769 A

Claims 1 and 2 are rejected under 35 U.S.C. § 102(b) as anticipated by Japanese laid-open patent application no. 10-298769 A (“JP ‘769”). The Examiner contends that JP ‘769 discloses a dispersoid with metal-oxygen bonds obtained by mixing a metal compound with at least three hydrolysable groups with water in the absence of a base or a dispersion stabilizer.

The rejection is respectfully traversed, and reconsideration is requested.

Claims 1, 2, 13, 27, 28, and 43 have been amended to specify that all of the following are excluded: the presence of an acid; the presence of a base; the presence of a dispersion stabilizer; the presence of an acid and a base; the presence of an acid and a dispersion stabilizer; the presence of a base and a dispersion stabilizer; and the presence of an acid, a base and a dispersion stabilizer. The dispersoids of the present invention have excellent transparency and have stable structures without agglomeration even in the absence of an acid, base, or dispersion stabilizer. This means that one can form films that are dense and have a smooth surface on any kind of substrate.

In contrast, an acid or a base is used in all of the examples in JP '769. This also means that pH adjustment is necessary.

Accordingly, JP '769 does not anticipate these claims, and the rejection should be withdrawn.

Claims 1, 2, 13,-15, 23, and 27-29 are rejected under 35 U.S.C. § 102(b) as anticipated by Toki, U.S. Patent No. 6,235,260. The Examiner contends that Toki discloses a dispersoid with metal-oxygen bonds obtained by mixing a metal compound with at least three hydrolysable groups with water in the absence of a base or a dispersion stabilizer.

The rejection is respectfully traversed, and reconsideration is requested.

Claims 1, 2, 13, 27, 28, and 43 have been amended to specify that all of the following are excluded: the presence of an acid; the presence of a base; the presence of a dispersion stabilizer; the presence of an acid and a base; the presence of an acid and a dispersion stabilizer; the presence of a base and a dispersion stabilizer; and the presence of an acid, a base and a dispersion stabilizer. Dispersion stabilizers include deflocculants (a peptizing agent). The dispersoids of the present invention have excellent transparency and have stable structures without agglomeration even in the absence of an acid, base, or dispersion stabilizer. This means that one can form films that are dense and have a smooth surface on any kind of substrate.

In contrast, an acid is used in all of the examples in Toki. This also means that pH adjustment is necessary.

Accordingly, Toki does not anticipate these claims, and the rejection should be withdrawn.

Claims 43 and 44 stand rejected under 35 U.S.C. § 102(b) as anticipated by Clark, U.S. Patent No. 4,801,3990. The Examiner contends that Clark discloses a dispersoid stably dispersed in an organic solvent without aggregations.

The rejection is respectfully traversed, and reconsideration is requested.

Claims 1, 2, 13, 27, 28, and 43 have been amended to specify that all of the following are excluded: the presence of an acid; the presence of a base; the presence of a dispersion stabilizer; the presence of an acid and a base; the presence of an acid and a dispersion stabilizer; the presence of a base and a dispersion stabilizer; and the presence of an acid, a base and a dispersion stabilizer. Dispersion stabilizers include deflocculants (a peptizing agent). The dispersoids of the present invention have excellent transparency and have stable structures without agglomeration even in the absence of an acid, base, or dispersion stabilizer. This means that one can form films that are dense and have a smooth surface on any kind of substrate.

In contrast, a peptizing agent is used in all of the examples in Clark.

Accordingly, Clark does not anticipate these claims, and the rejection should be withdrawn.

V. Rejections under 35 U.S.C. § 103(a)

Claims 24 and 25 stand rejected under 35 U.S.C. § 103(a) as obvious over Clark in view of Toki. The Examiner agrees that Clark does not disclose a mixture of hydrocarbon, water, and alcohol, but adds that Toki does.

The rejection is respectfully traversed, and reconsideration is requested.

The deficiencies in Clark are discussed above. Toki does not disclose the absence of Clark's peptizing agent, so Toki does not remedy Clark's deficiencies. Rather, Toki adds an acid, which is also absent from the presently claimed invention and is not used in Clark.

Furthermore, claim 24 provides that the water added to the metal compound is diluted with both of a hydrocarbon solvent other than an alcohol solvent, and an alcohol solvent. Toki discloses that the solvent used with water can be mixed solvent with a wide range of possible hydrocarbon and alcohol solvents. However, Toki does not specify the combination of hydrocarbon and alcohol solvents. Rather, Toki prefers including an acid amide and β -diketone is the solution. See Toki col.

6, ll. 35-36 and 46-47. This is a teaching away from the presently claimed mixed hydrocarbon/alcohol solvent.

Accordingly, Clark in view of Toki does not anticipate these claims, and the rejection should be withdrawn.

Lastly, claim 26 stands rejected under 35 U.S.C. § 103(a) as obvious over Clark in view of Toki as evidenced by the Handbook of Chemistry and Physics. The latter is added to evidence that certain organic solvents have unlimited or infinite solubility in water and in each other.

The rejection is respectfully traversed, and reconsideration is requested.

The deficiencies in the combination of Clark and Toki are discussed above. The Handbook does not disclose the absence of Clark's peptizing agent or Toki's acid or the combined aqueous/hydrocarbon/alcohol solvent. Therefore, the Handbook does not remedy Clark's and Toki's deficiencies.

Accordingly, Clark in view of Toki as evidenced by the Handbook of Chemistry and Physics does not anticipate these claims, and the rejection should be withdrawn.

VI. Conclusion

It is believed, for the foregoing reasons, that this application is in condition for allowance. Such action is earnestly solicited. If the Examiner believes there are further issues that could be advance by an interview or entry of an Examiner's Amendment, the Examiner is invited to contact the undersigned attorney.

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Respectfully submitted,

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